

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

KATHRINE HALEY,)	Case No. 4:12-cv-00016
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
COMMONWEALTH OF VIRGINIA)	By: Jackson L. Kiser
DEPARTMENT OF HEALTH,)	Senior United States District Judge
)	
Defendant.)	

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

Before me is Defendant's Motion to Dismiss pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure [ECF No. 5], which was filed on September 9, 2012. Plaintiff filed a timely Response in Opposition to Defendant's Motion [ECF No. 11] on October 5, 2012, and Defendants followed by filing their Response in Support of Defendant's Motion [ECF No. 13] on October 9, 2012. On November 6, 2012, I heard oral argument from both sides on the Motion. Having thoroughly reviewed the briefs, the record, and the arguments of counsel, the matter is now ripe for decision.

For the reasons stated in the accompanying Memorandum Opinion, I hereby **GRANT** Defendant's Motion to Dismiss, **DISMISS** the case from the docket, and **DENY AS MOOT** any other pending motions in this case.

The clerk is directed to send a copy of the Memorandum Opinion and accompanying Order to all counsel of record.

Entered this 13th day of November, 2012.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE